

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

REDACTED

**DECLARATION OF THOMAS L. HALKOWSKI IN SUPPORT OF CALLAWAY
GOLF COMPANY'S *OPPOSITION* TO ACUSHNET'S MOTION TO STAY ANY
PERMANENT INJUNCTION**

I, Thomas L. Halkowski, declare as follows:

1. I am a principal of Fish & Richardson P.C., counsel of record in this action for Callaway Golf Company. I am a member of the Bar of the State of Delaware and am admitted to this Court. I have personal knowledge of the matters stated in this declaration and would testify to them under oath if called upon to do so.

2. Attached as **Exhibit A** is a true and correct copy of Acushnet Company's Supplemental Response to Callaway Golf's Interrogatory 5, dated 4/30/2007.

3. Attached as **Exhibit B** is a true and correct copy of

4. Attached as **Exhibit C** is a true and correct copy of excerpts from the Expert Report of Dr. William O. Kerr, filed in this matter on July 13, 2007.

5. Attached as **Exhibit D** is a true and correct copy of excerpts from the Supplemental Expert Report of Brian W. Napper, filed in this matter on November 6, 2007.

6. Attached as **Exhibit E** is a true and correct copy of "Which Ball Is Best For Your Game?", an Acushnet Company advertisement appearing as published in the April 2008 issue of *Golf Digest Magazine*.

REDACTED

7. Attached as **Exhibit F** is a true and correct copy of

8. Attached as **Exhibit G** is a true and correct copy of

9. Attached as **Exhibit H** is a true and correct copy of “Acushnet Company Statement Regarding Patent Case With Callaway”, a letter to Professional Golfers from the Acushnet Company, dated December 21, 2007.

10. Attached as **Exhibit I** is a true and correct copy of a letter to Valued Customers from Wally Uihlein, Chairman and Chief Executive Officer of Acushnet Company, dated February 20, 2008.

11. Attached as **Exhibit J** is a true and correct copy of the Fortune Brands 4th Quarter Earnings Call transcript, dated January 25, 2008.

12. Attached as **Exhibit K** is a true and correct copy of Acushnet Company’s Legal Notice, as posted on the Titleist Corporate website at <http://www.titleist.com/corporate/legal.asp>.

13. Attached as **Exhibit L** is a true and correct copy of

14. Attached as **Exhibit M** is a true and correct copy of

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of March, 2008 at Wilmington, Delaware.

/s/ Thomas L. Halkowski
Thomas L. Halkowski

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2008, the attached document was electronically filed with the Clerk of Court using CM/ECF which will send electronic notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on March 13, 2008, I have Electronically Mailed the document to the following person(s):

BY EMAIL AND BY HAND

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/s/ Thomas L. Halkowski

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